JUN 11 1973

Burke Marshall, Esquire
Yale Law School
401A Yale Station
New Haven, Connecticut 06520

Dear Mr. Marshall:

We are in receipt of an administrative appeal by Mr. Paul L. Hoch of Berkeley, California, from a denial by Deputy Archivist of the United States James E. O'Neill of the former's request for a copy of the "Report of Inspection by Naval Medical Staff on November 1, 1966 at National Archives of X-Rays and Photographs of Autopsy of President John F. Kennedy". As you may recall, this is the document prepared at the request of the General Services Administration and the Department of Justice by the members of the Kennedy autopsy team to serve as a catalog of photographic materials taken during the autopsy.

In Dr. O'Neill's letter to Mr. Hoch, he cited 5 U.S.C. 552(b)(6), ". . . medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy," as the basis for the document's exemption from the provisions of the Freedom of Information Act. When the appeal reached this office for appropriate action, our Freedom of Information specialists, in light of recent judicial and legislative pronouncements on the Act, had serious reservations concerning the efficacy of this statutory exemption, or any of the other exemptions, as a legal justification for denying access to the document.

As a result of these doubts, a member of this office contacted Mr. Robert Saloschin, Chairman of the Justice Department's Committee on the Freedom of Information Act. Mr. Saloschin, the Federal Government's leading legal expert on the Act, stated that he was in personal agreement with the conclusions reached by the GSA attorneys, and that should the entire Committee meet on the question of withholding this document, it would probably recommend its release rather than undertaking the weak case of defending its non-disclosure.

Other than our general concern to serve the wishes of the Kennedy Family to the extent allowable by law, the General Services Administration has no substantive objection to the release of this document, feeling public access to it would do no harm and might very well dispel misleading rumors about its contents. Therefore, we solicit your consent before we make our final decision on Mr. Koch's appeal. For your edification, should our tentative decision be to affirm the original denial, we would be required to submit this decision to the full Committee on the Freedom of Information Act for its concurrence.

For your convenience, we are enclosing copies of Mr. Koch's appeal and the document in question.

Sincerely,

WILLIAM E. CASSELMAN II
General Counsel

Enclosures

cc:
Official File - LR
H
WHFL
S
ALT
L
LL
LR (2)
LC

LR:SGarfinkel:le 10/16/72

H _____ LL _____